IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23948 of 2004

Between:

B.A. Sarma S/o Sarma
St. Alphensa's Junior College, 15/A, Sidhardhanagar, S.R. Nagar, Hyderabad

..... PETITIONER

AND

1. Government of Andhra Pradesh, rep by Prl. Secrtary to Government, Higher Education Department, Secretariat, Hyderabad
2 Commissioner and Director of Intermediate Education Andhra Pradesh, Nampally, Hyderabad
3 Correspondent St. Alphensa's Junior College 15/A, Sidharadhanagar, S.R. Nagar Post, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of mandamus or any other appropriate Writ, Order or direction, declaring the action of Respondents in not transferring me from unaided post to existing aided vacant Post of Junior Lecturer in Maths in the 3rd Respondent as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to transfer me from the unaided post of Junior Lecturer in Maths to existing vacant post of Junior Lecturer in Maths in 3rd Respondent College in view of extending similar benefits to persons like Mrs. Hajira Begum etc. by issuing G.O.Rt. No. 320 Higher Education (IE.II) Department dt 3-5-2002 on the file of the 1st Respondent.

Counsel for the Petitioner:MR.MEHERCHAND NOORI

Counsel for the Respondent Nos.1 & 2: GP FOR HIGHER EDUCATION

Counsel for the Respondent Nos.3 : --

The Court at the stage of admission, made the following :

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ORDER:

For not transferring the petitioner from unaided post to existing aided vacant post of Junior Lecturer in Mathematics in the 3rd respondent-College, the present writ petition is filed.

The writ petitioner is working as Junior Lecturer in Mathematics in the 3rd respondent-College since 1.6.1989 and his appointment was approved by the Board of Intermediate Education. Thereafter, one Junior Lecturer Sri P.Krishna Prasad was promoted as Principal. Consequently, the writ petitioner became the first person in the department of Mathematics of the 3rd respondent-College. Therefore, according to the petitioner, he is eligible to be absorbed in the aided vacant post in Mathematics in the 3rd respondent-College.

The learned counsel appearing for the petitioner contended that

since the case of the petitioner has been recommended by the 2nd respondent by its proceedings dated 13.9.2001, an appropriate decision has to be taken by the 1st respondent and therefore, a direction can be given.

The learned Government Pleader for Higher Education contended that it is the 1st respondent who has to take appropriate decision in accordance with the Rules and Regulations. Therefore, without entering into the merits of the case, since the petitioner is the first person eligible to be admitted into grant-in-aid post in the 3rd respondent-College and the same shall have to be considered by the 1st respondent, in accordance with the Rules, a direction is given to the 1st respondent to take appropriate decision in the matter and pass orders within a period of two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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22.12.2004

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NOTE: Office to furnish C.C within

three days.

(B.O)

bsv

To

1. The Principal Secrtary to Government, Government of Andhra Pradesh, , Higher

Education Department, Secretariat, Hyderabad

2 The Commissioner and Director of Intermediate Education, Andhra Pradesh,

Nampally, Hyderabad

3 The Correspondent St. Alphensa's Junior College 15/A, Sidharadhanagar, S.R.

Nagar Post, Hyderabad

4. 2 CCs to the Government Pleader for Higher Education, High Court Buildings,

Hyderabad (OUT)

5. 2 CD copies

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